

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 731961	FOR FURTHER ACTION See item 4 below	
International application No. PCT/AU2004/001595	International filing date (<i>day/month/year</i>) 18 November 2004 (18.11.2004)	Priority date (<i>day/month/year</i>) 18 November 2003 (18.11.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant INNOVATION CENTRAL PTY LTD		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input type="checkbox"/> Box No. VIII	Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 22 May 2006 (22.05.2006)</p>
	<p>Authorized officer Dorothee Mülhausen</p> <p>Telephone No. +41 22 338 87 40</p>

PATENT COOPERATION TREATY

REC'D 04 JAN 2005	
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From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

PHILLIPS ORMONDE & FITZPATRICK
367 Collins Street
MELBOURNE VIC 3000

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 17 DEC 2004	
Applicant's or agent's file reference 731961	
FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AU2004/001595	International filing date (day/month/year) 18 November 2004
Priority date (day/month/year) 18 November 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ B65G 1/00, E01F 15/14, A47B 96/00, 47/00, E02B 3/26	
Applicant INNOVATION CENTRAL PTY LTD et al	

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer <div style="display: flex; justify-content: space-between;"> <div> DAVID LEE Telephone No. (02) 6283 2107 </div> <div style="text-align: right;"> </div> </div>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001595

Box No. I	Basis of the opinion
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- | | |
|----|---|
| 1. | With regard to the language , this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)). |
| 2. | With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material
<div style="margin-left: 20px;"><input type="checkbox"/> a sequence listing
<input type="checkbox"/> table(s) related to the sequence listing</div>
b. format of material
<div style="margin-left: 20px;"><input type="checkbox"/> in written format
<input type="checkbox"/> in computer readable form</div>
c. time of filing/furnishing
<div style="margin-left: 20px;"><input type="checkbox"/> contained in the international application as filed.
<input type="checkbox"/> filed together with the international application in computer readable form.
<input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</div>
3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished. |
| 4. | Additional comments: |

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001595

Box No. V. Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-19	NO
Inventive step (IS)	Claims	YES
	Claims 1-19	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims	NO

2. Citations and explanations:

EP 904988, US 6289836, EP 319362, JP 2001-26918, WO 1991/017320, JP 10-227022,
DE 3039897, CA 2213109, FR 2779162, US 2002/0053664

Novelty & Inventive step - Claims 1 - 19

The citations disclose resilient bumpers that can wrap around an object like a pole, or edge of a tall item, and resiliently resist an object bumping into it. The structure of the bumper itself disclosed in the citations is the same as the structure in these claims. ie - the citations disclose positioning members, they have a joining member that collapses into a tortuous path, the structure to be protected is received in an opening of the bumper and so on.

As the citations disclose the features of the invention as claimed, I consider claims 1-19 are not novel and lack an inventive step.